

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, June 4, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member James Entenman      Council Member Rex Rolfing

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Mayor Mike T. Huether

INVOCATION

Intern Pastor Amanda Ullrich, St. John American Lutheran Church

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, May 21, 2013, at 4:00 p.m.

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City Council Meeting of Tuesday, May 21, 2013, at 7:00 p.m.

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Informational Meeting of Tuesday, May 28, 2013, at 4:00 p.m.

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Joint City Council/Minnehaha County Commission Meeting of Tuesday, May 28, 2013, at 5:00 p.m.

#### COMMUNICATIONS

1. Approval of Contracts/Agreements on the May 30, 2013 memo

Sponsor: Mayor/Finance

2. Notice of change orders on the May 30, 2013 memo

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: May 16, 2013; Unleaded; 600 gallons; Howes Oil (\$2,276.10); Midway Service (\$2,306.10); Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

4. Report of Requests for Quotes for Fuel dated: May 16, 2013; Diesel (#1 and #2 blend); 600 gallons; Howes Oil (\$2,031.00); Midway Service (\$2,016.00); Palisades Oil, no bid. Bid awarded to: Midway Service.

Sponsor: Mayor/Fire Rescue

5. Report of Requests for Quotes for Fuel dated: May 16, 2013; #2 Dyed Diesel Fuel; 15,000 gallons; Harms Oil (\$3.0839); Howes Oil (\$3.0940); CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

6. Report of Requests for Quotes for Fuel dated: May 20, 2013; Unleaded Ethanol; 8,500 gallons; Harms Oil (\$3.6440); Howes Oil (\$3.6940); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

7. Report of Requests for Quotes for Fuel dated: May 24, 2013; Unleaded Ethanol; 8,500 gallons; Howes Oil (\$3.3555); Harms Oil (\$3.4061); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Public Works

8. A communication was received from the South Dakota Corn Growers Association stating their intent to sell raffle tickets from Friday, August 2, 2013, to Saturday, January 18, 2014, for a John Deere Gator (valued at approximately \$10,000.00). Tickets will be sold for \$100.00 each. The proceeds will be used to administer educational programs through the South Dakota Corn Growers.

Sponsor: SDCL 22-25-25

- A communication was received from Rounds for Senaterequesting
9. permission to consume, but not sell, wine and malt beverages at Falls Overlook Cafe, 825 N. Weber Avenue, on Thursday, June 13, 2013, from 5:30 p.m. to 7:30 p.m. for the purpose of a political fund raiser.

Sponsor: Mayor/City Attorney

- A communication was received from the Great Plains Zoo and Delbridge Museum of Natural History requesting permission to consume, but not sell liquor, wine and/or malt beverages at the Great Plains Zoo, 805 South Kiwanis Avenue on the dates listed. The Zoo is hosting a "Monkeys, Magic and More" appreciation event for donors, and friends of the Zoo. Wednesday, June 19, 2013, from 4:00 p.m. to 6:00 p.m.; Wednesday, June 26, 2013, from 5:00 p.m. to 7:00 p.m.; Thursday, June 27, 2013, from 5:00 p.m. to 7:00 p.m.; Friday, June 28, 2013, from 5:00 to 7:00 p.m.; and Saturday, June 29, 2013, from 5:00 p.m. to 7:00 p.m.
- 10.

Sponsor: SDCL 35-1-5.3

- A communication was received from Mr. Joseph R. Bolger requesting permission to consume, but not sell, wine and malt beverages at the Old Courthouse Museum, 200 West 6th Street, on Saturday, August 3, 2013, from 12:30 p.m. to 5:00 p.m. for the purpose of a wedding ceremony and reception.
- 11.

Sponsor: SDCL 35-1-5.3

#### APPLICATIONS

- Special One-Day Liquor License request for Ovations Food Services LP, to be operated at the Sioux Falls Orpheum Theater, 315 North Phillips Avenue, for a concert on June 18, 2013.
- 12.

Sponsor: Mayor/City Attorney

- Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Old Courthouse Museum, 200 West Sixth Street, for a wedding reception on June 22, 2013.
- 13.

Sponsor: Mayor/City Attorney

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Irish Club to be operated at Falls Park West, Falls Park Drive, for the Dakota Irish Fair to be held on July 27, 2013.
- 14.

Sponsor: Mayor/City Attorney

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Great Plains Zoo and Delbridge Museum, 805 S. Kiwanis Avenue, for Jungle Jubilee fundraiser on August 8, 2013.
- 15.

Sponsor: Mayor/City Attorney

- Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Great Plains Zoo and Delbridge Museum, 805 S. Kiwanis Avenue, for special events on August 2, August 31, September 14, September 21, October 4, October 5, October 12, 2013 and May 10, 2014.
- 16.

Sponsor: Mayor/City Attorney

17. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2013-14 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit C.

Sponsor: Mayor/City Attorney

The following abatement was recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls. The amount requested is the difference between the elderly freeze and the non-elderly freeze.

18. Donald E. Larson, 601 N. Franklin Avenue, for 2011 taxes in the amount of \$339.02

Sponsor: SDCL 10-18-1

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, June 18, 2013, at 7:00 p.m. for Items 19 and 20:

- New 2013 Retail Wine License for Jerry Vanloh, Jacky's Restaurant & Bakery to  
19. be operated at 702 East 8th Street with the Conditional Use Permit (2006-02-02)  
being approved on April 13, 2006.

Sponsor: Mayor/City Attorney

20. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2013-14 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.

Sponsor: Mayor/City Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

There was none.

#### UNFINISHED BUSINESS

Transfer of 2013 Package Liquor License from Lambo's Inc., Lambo's to Everest Gas

21. and Convenience, LLC, Everest Gas and Convenience, LLC, to be operated at 3501 West 49th Street (CUP not required).

Sponsor: Mayor/City Attorney

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to defer this item to the City Council Meeting of Tuesday, June 18, 2013, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

22. Transfer of 2013 Retail Liquor License from International Restaurant Champions Inc., Champps, to WAM, LLC, name to be determined, to be operated at 2101 West 41st Street, Suite 24, including Sunday Sales (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

23. Transfer of 2013 Retail Liquor License from El Corona LLC, El Corona, 2401 East 10th Street, #101 to Pancakes and More, Inc., Pancakes and More d/b/a Original Pancake House, 2715 West 41st Street, including Sunday Sales (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to approve Items 22 and 23.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

24. Deferred Action (from the City Council Meetings of November 6, 2012, January 2, 2013 and March 5, 2013). 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT N. CLIFF AVE. AND E. 1ST ST. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT; I-2, GENERAL INDUSTRIAL DISTRICT; AND THE RD, RESIDENTIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2012-09-14, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to withdraw this item.

Vote to withdraw : Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

25. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Sponsor: Mayor

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to adopt said Resolution No. 40-13.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 40-13

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it gives its advice and consent to the following Mayoral appointments:

Name	Board	Term
Eric Kritzmire	ADA Accessibility Review Board	Reappointed for a term from June 2013 to June 2017.
Patti Monson	ADA Accessibility Review Board	Appointed for a term from June 2013 to June 2017 (to replace Sarah Aldinger).
Troy Osterloo	ADA Accessibility Review Board	Appointed for a term from June 2013 to June 2017 (to replace Matt Cain).
Matt Pruner	ADA Accessibility Review Board	Appointed for a term from June 2013 to June 2017 (to replace Page Hudson).
Michelle Grimm	Disability Awareness Commission	Appointed for a term from June 2013 to June 2016 (to replace Patty Brooks).
Kevin Horner	Disability Awareness Commission	Appointed for a term from June 2013 to June 2016 (to replace Nancy Johnson).
Lori Lewison	Disability Awareness Commission	Appointed for a term from June 2013 to June 2016 (to replace Matt Pruner).
Sheila Sandness	Disability Awareness Commission	Appointed for a term from June 2013 to June 2016 (to replace Misty Farabee).

Walter Schaefer Disability Awareness Commission Appointed for a term from June 2013 to June 2016 (to replace Peggy Carmichael).

Jessica Kaiser Human Relations Commission Appointed for a term from June 2013 to May 2016 (to fill the unexpired term of Daniel Simon).

Laura Reurink Library Board of Trustees Appointed for a term from June 2013 to 2016 (to replace DeeDee Raap).

Betsy Rice Library Board of Trustees Appointed for a term from June 2013 to June 2016 (to replace Timothy Gebhart).

Date adopted: 06/04/13

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

26. A RESOLUTION AMENDING THE 2013-2017 CAPITAL PROGRAM.

Sponsor: Mayor/Finance

A motion was made by Council Member Greg Jamison and seconded by Council Member James Entenman to adopt said Resolution No. 41-13.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 41-13

A RESOLUTION AMENDING THE 2013-2017 CAPITAL PROGRAM.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD.

That the 2013-2017 Capital Program shall be amended as follows:

Public Parking

Amend the Capital Improvements Program by adding a new project, Public Parking Maintenance Building, in 2013. The estimated cost is \$348,507 for land, building acquisition, and renovation. The additional funding will not require an increase in appropriations as it will be funded by public parking user fees.

Fire

Amend the Capital Improvements Program by adding a new project, Fire Headquarters boiler, in 2013. The estimated cost is \$12,500. This project will not require an increase in appropriations as it will be funded by the Sales/Use Tax fund with remaining funds in Capital Improvements Program Project No. 052015, Fire Station #1 Apparatus Floor Rebuild.

Date adopted: 06/04/13

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED APPROPRIATION BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED IN THE SIOUX FALLS CITY CHARTER SECTION 5.07(d)

27. REPORT OF THE MAY 28, 2013, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Sue Aguilar to adjourn the meeting at 7:23 p.m.

Mayor Huether called for a voice vote and all members present voted yes. Motion Passed.

Tamara Jorgensen, CMC

Assistant City Clerk

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK'S OFFICE, CARNEGIE TOWN HALL, AT (605) 367-8080 (VOICE) OR (605) 367-7039 (TDD) 24 HOURS IN ADVANCE OF THE MEETING.

ADDRESSING THE COUNCIL: PERSONS ADDRESSING THE COUNCIL SHALL USE THE MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME. PRESENTATIONS ARE LIMITED TO FIVE MINUTES.

LIVE BROADCASTS OF COUNCIL MEETINGS ON CITYLINK: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5:00 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT WWW.SIOUXFALLS.ORG. LINKS TO EACH



MEETING'S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK.

CITYLINK REBROADCAST: INFORMATIONAL MEETINGS AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.